

REMARKS

Claims 1, 9, 25, and 32 are currently amended and claims 34, 35, and 38 are canceled. Claims 1-16, 25-33, and 36-37, therefore, remain pending in the application. Applicant respectfully traverses the Office's rejections and, in view of the foregoing amendments and the following remarks, respectfully requests that the Office issue a Notice of Allowance. The amendments are supported by the specification and do not introduce new matter.

35 U.S.C. §§ 102 AND 103 REJECTIONS

Claims 9, 11, 13-14, and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by D'Souza (U.S. Publication No. 2006/0117348, hereinafter "D'Souza").

Claims 1, 4, 6, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Souza in view of Jerding et al. (U.S. Patent No. 6,792,616, hereinafter "Jerding '616") and further in view of Houghton et al. (U.S. Publication No. 2005/0021609, hereinafter "Houghton").

Claims 2 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Souza in view of Jerding '616 in view of Houghton and further in view of Jerding (U.S. Patent No. 6,738,982, hereinafter "Jerding '982").

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Souza in view of Jerding '616 in view of Houghton and further in view of Hoarty et al. (U.S. Patent No. 6,305,020, hereinafter "Hoarty").

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Souza in view of Jerding '616 in view of Houghton and further in view of Hassell et al. (U.S. Publication No. 2007/0033615, hereinafter "Hassell").

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over D’Souza in view of Hoarty.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over D’Souza in view of Jerding ‘982.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over D’Souza in view of Houghton and further in view of Hassell.

Claims 25 and 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over D’Souza in view of Jerding ‘616.

Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over D’Souza in view of Jerding ‘616 and further in view of Jerding ‘982.

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over D’Souza in view of Jerding ‘616 and further in view of Knudson et al. (U.S. Patent No. 6,526,577, hereinafter “Knudson”).

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over D’Souza in view of Jerding ‘616 and further in view of Hassell.

Claims 32, 34-35, and 37-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over D’Souza in view of Jerding ‘616 and further in view of Hassell.

Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over D’Souza in view of Jerding ‘616 in view of Hassell and further in view of Hoarty.

Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over D’Souza in view of Jerding ‘616 in view of Hassell and further in view of Jerding ‘982.

Applicant respectfully traverses the rejections. Nevertheless, Applicant has amended the independent claims in a manner similar to that discussed during the interview for the sole purpose of expediting allowance and without conceding the propriety of the Office's rejections.

The Claims

Independent Claim 1, as amended, recites a method comprising (added language underlined):

- outputting an Electronic Programming Guide (EPG) for display by a client, wherein:
 - EPG data originates from a server;
 - the EPG includes a plurality of representations of a plurality of content for simultaneous display by the client;
 - at least one said content is television programming for receipt by the client over an Internet;
 - the client includes a plurality of applications;
 - one or more said content is provided for output by a respective said application; and
 - the EPG is configured to form one or more events in response to user interaction with one or more said representations, wherein the one or more events are based on information other than application identification information originating from the server; and
- executing a virtual tuner on the client to manage execution of each said plurality of applications to provide respective said content in response to the events formed utilizing the EPG, said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications.

In making out a rejection of this claim before its amendment, the Office alleges that the combination of D'Souza, Jerding '616, and Houghton renders

claim 1 obvious. Applicant respectfully disagrees. Nevertheless, for the sole purpose of expediting allowance and without conceding the propriety of the Office's rejections, Applicant has amended claim 1.

Applicant respectfully submits that the cited combination fails to teach or suggest an "EPG [that] includes a plurality of representations of a plurality of content for simultaneous display by the client," as recited in amended claim 1 (added language underlined).

Instead, D'Souza is directed towards "presenting advanced editorial content items to subscribers in a distribution network". D'Souza, abstract. Specifically, D'Souza discusses an editorial content index page separate from an EPG. For instance, D'Souza describes "*an electronic program guide* comprised of data representing program availability on a distribution network and a[n] editorial content control to present *an editorial content index page*. An editorial content index page is presented on a display device within the context of the electric program guide *in response to selecting the editorial content control*, the editorial content index page comprising one or more links, such as pointers or hyperlinks, to editorial content items." D'Souza, Page 1 [0007] (emphasis added).

In Figure 5 (reproduced below for the Examiner's convenience), D'Souza discusses a Surf Guide 508 containing "a graphical control 510 that allows the user to access editorial content items". D'Souza, Page 5 [0040]. Upon selecting the graphical control 510, the editorial content index page 512 is presented.

Only at this time, and after having taken at least 2 two steps, is a listing of editorial content made available.

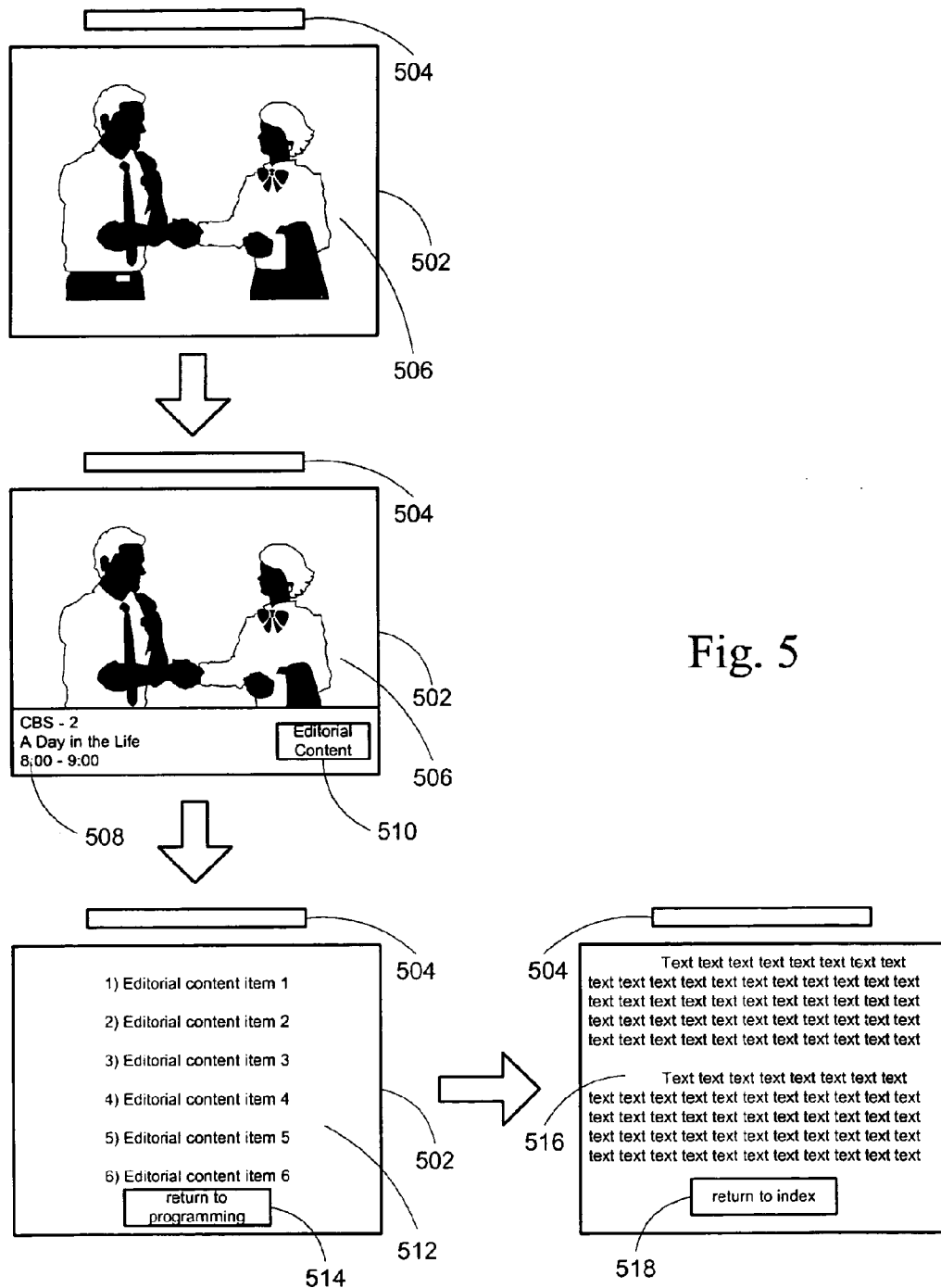
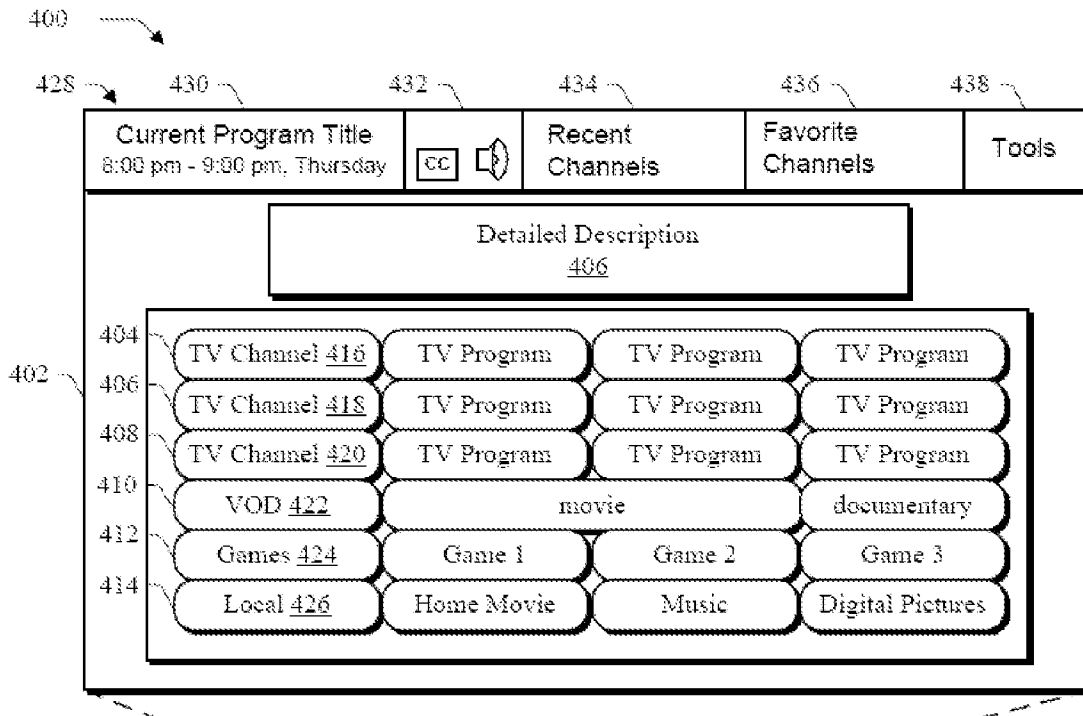


Fig. 5

In contrast, Applicant's figure 4 depicts one illustrative but non-limiting embodiment of an "EPG includ[ing] a plurality of representations of a plurality of content for simultaneous display by the client":



In addition to including TV Channels 416, 418, and 420, the display 402 of the EPG 128 includes representations of non-traditional television content “for simultaneous display by the client”. Such non-traditional television content includes Video On Demand (VOD) 422, games 424, and local 426 content. Non-limiting examples of local 426 content are home movies, music, and digital pictures stored locally. Written Description, Page 15 Paragraph [0039].

Returning to D’Souza, selecting editorial content from an editorial content index screen, which was itself selected from an EPG, does not teach or suggest an “EPG [that] includes a plurality of representations of a plurality of content for simultaneous display by the client”. Therefore, D’Souza, alone or in combination with any of the references of record, has not been shown to teach or suggest an “EPG [that] includes a plurality of representations of a plurality of content for

simultaneous display by the client.” as recited in Applicant’s claim. Furthermore, none of the references of record have been shown to teach or suggest

Furthermore, during the aforementioned interview, Applicant understood the Office to agree that these amendments would at least make claim 1 allowable over the references of record. Applicant sincerely thanks the Office for this indication.

For at least these reasons, claim 1 is allowable.

Claims 2-8 depend from claim 1 and, are allowable by virtue of this dependency. Claims 2-8 are also allowable for their own recited features, which the references of record have not been shown to disclose, teach, or suggest.

Independent Claim 9, as amended, recites: In a virtual tuner executed on a client, a method comprising (added language underlined):

- receiving a selection made from a plurality of content using an EPG that is output by the client, wherein:
- the EPG includes a representation of each said content for simultaneous display by the client;
- each said content is provided for output by a respective one or more of a plurality of applications; and
- at least one said content is television programming;
- choosing one or more of the plurality of applications that, when executed, provide the selected content, wherein the choosing is independent of any application identifying information originating from a computer distinct from the client; and
- managing execution of the chosen one or more applications to output the selected content.

In making out a rejection of this claim, the Office alleges that D’Souza anticipates. Applicant respectfully disagrees. Nevertheless, for the sole purpose

of expediting allowance and without conceding the propriety of the Office's rejections, Applicant has amended claim 9. Applicant respectfully submits that D'Souza at least fails to disclose or suggest "receiving a selection made from a plurality of content using an EPG that is output by the client, wherein: the EPG includes a representation of each said content simultaneously displayed by the client," as recited in Applicant's claim 9 (added language underlined).

Applicant respectfully submits that claim 9 is allowable for at least reasons similar to those discussed above in regards to claim 1. Furthermore, during the aforementioned interview, Applicant understood the Office to agree that these amendments would at least make claim 9 allowable over the references of record. Applicant sincerely thanks the Office for this indication.

For at least these reasons, claim 9 is allowable.

Claims 10-16 depend from claim 9 and, are allowable by virtue of this dependency. Claims 10-16 are also allowable for their own recited features, which the references of record have not been shown to disclose, teach, or suggest.

Independent Claim 25, as amended, recites a client comprising (added language underlined):

- a processor;
- a network interface, communicatively coupled to the processor, configured to provide a network connection to a wide area network (WAN);
- a output interface, communicatively coupled to the processor, configured to provide an output for rendering by a display device; and
- memory configured to maintain:
- a plurality of applications that are executable on the processor to provide an output of content on the output

interface, wherein at least one said content is television programming received at the network interface;

- an EPG engine that is executable on the processor to provide an EPG for output on the output interface, wherein the EPG simultaneously displays a plurality of representations of said content for selection; and
- a virtual tuner that is executable on the processor to launch one or more of said plurality of applications in response to selection of said content using the EPG, independent of any application identifying information originating from a computer distinct from the client, said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications.

In making out a rejection of this claim, the Office alleges that D'Souza in view of Jerding '616 renders claim 25 obvious. Applicant respectfully disagrees. Nevertheless, for the sole purpose of expediting allowance and without conceding the propriety of the Office's rejections, Applicant has amended claim 25.

Applicant respectfully submits that D'Souza in view of Jerding '616 at least fails to teach or suggest "an EPG engine that is executable on the processor to provide an EPG for output on the output interface, wherein the EPG simultaneously displays a plurality of representations of said content for selection," as recited in Applicant's claim 25 (added language underlined).

Applicant respectfully submits that claim 25 is allowable for at least reasons similar to those discussed above in regards to claim 1. Furthermore, during the aforementioned interview, Applicant understood the Office to agree that these amendments would at least make claim 25 allowable over the references of record. Applicant sincerely thanks the Office for this indication.

For at least these reasons, claim 25 is allowable.

Claims 26-31 depend from claim 25 and, are allowable by virtue of this dependency. Claims 26-31 are also allowable for their own recited features, which the references of record have not been shown to disclose, teach, or suggest.

Independent Claim 32, as amended, recites: In a virtual tuner executed on a client, a method comprising (added language underlined):

- a network;
- an EPG provider communicatively coupled to the network and including remote EPG data that describes remote content that is available over the network, the remote content including television programming;
- a client communicatively coupled to the network and including;
- one or more processors and a plurality of applications that are executable thereon to provide at least one of local content and the remote content for rendering on a display device, wherein said content provided by a first said application is not compatible with a second said application, wherein the EPG includes a plurality of representations, and wherein at least one said representation represents the remote content and another said representation represents the local content; and
- local EPG data that describes the local content;
- a guide application that is executable to generate an EPG from the remote and local EPG content that is configured to initiate one or more events, the remote and local EPG content simultaneously displayed by the EPG, and wherein the guide application is further executable to generate the local EPG data by examining the client; and
- a virtual tuner that is executable to manage the plurality of applications in response to the one or more events, said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of the plurality of applications independent of any application identifying information originating from a computer distinct from the client.

In making out a rejection of this claim, the Office alleges that D'Souza in view of Jerding '616 and further in view of Hassell renders claim 32 obvious. Applicant respectfully disagrees. Nevertheless, for the sole purpose of expediting allowance and without conceding the propriety of the Office's rejections, Applicant has amended claim 32.

Applicant respectfully submits that D'Souza in view of Jerding '616 and further in view of Hassell fails to teach or suggest:

- the EPG includes a plurality of representations, wherein at least one said representation represents the remote content and another said representation represents the local content; [and]
- a guide application that is executable to generate an EPG from the remote and local EPG content that is configured to initiate one or more events, the remote and local EPG content simultaneously displayed by the EPG;

Claim 32 (added language underlined).

Applicant respectfully submits that claim 32 is allowable for at least reasons similar to those discussed above in regards to claim 1. Furthermore, during the aforementioned interview, Applicant understood the Office to agree that these amendments would at least make claim 32 allowable over at least the references of record. Applicant sincerely thanks the Office for this indication.

For at least these reasons, claim 32 is allowable.

Claims 33-38 depend from claim 32 and, are allowable by virtue of this dependency. Claims 33-38 are also allowable for their own recited features, which the references of record have not been shown to disclose, teach, or suggest.

Conclusion

For at least the foregoing reasons, claims 1-16, 25-33, and 36-37 are in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, Applicant respectfully requests that the Office contact the undersigned representative to resolve the issue.

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Dated: 2008/08/18

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